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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,346	12/08/2003	George Roussos	014442-000002a	1345
24239 7590 01/05/2007 MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			EXAMINER NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1773	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/707,346	Applicant(s) ROUSSOS, GEORGE	
	Examiner D. S. Nakarani	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-22, 24, 25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-11, 13, 15, 16, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Schirmer (U. S. Patent 4,605,460).

Schirmer discloses a hot blown plastic film (Fig. 2, before bonding to heat shrinkable component film 12) comprising at least one sealing layer (25, 25a) made of polyethylene or ethylene vinyl acetate copolymer (EVA) (Col. 5, lines 33-36), intermediate layers (21, 21a, 23, 23a) made of EVA (Col. 5, lines 10-33) and barrier layer(s) (24, 24a) made of copolymer of vinylidene chloride and vinyl chloride, acrylonitrile or methyl acrylate (Col. 1, lines 10-20 and col.5, lines 22-26). Schirmer also disclose configuration with one barrier layer (Col. 4, lines 50-57). Schirmer discloses corona treatment (Col. 6, lines 14-43).

3. Claims 1-17, 19-22, 24, 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer (U. S. Patent 4,605,460) in view of Yoshii et al (U. S. Patent 6,146,726), Bekele (U. S. Patent 4,909,726) and Lind et al (U. S. Patent 6,74,715).

Schirmer, which has been discussed above in paragraph in paragraph 2, while teaches addition of pigment in surface layers (25, 25a) (Col. 5, lines 33-37) fails to teach

addition of pigment in the intermediate layer(s), heat sealing layer(s) made of a mixture of claimed plastomer and EVA and claimed additives in the outer sealing layer(s).

Yoshii et al disclose that heat sealing layer made of low density polyethylene, linear low density polyethylene or EVA has insufficient sealing strength (Col. 1, lines 45-59). Yoshii et al disclose linear low density polyethylene made with constrained geometry catalyst (i.e. plastomer) such as Affinity PL-1880 as heat sealing layer, which provides sufficient sealing strength (Tables 3 and 4). Yoshii et al also disclose addition of additives such as silica and erucamide in the sealing layer (Col. 12, lines 22-45 and Examples 1, 5, 6, 7 etc.). Yoshii et al disclose irradiating film before orientation (Col. 9, lines 22-50 and col. 12, lines 61-67).

Bekele discloses multilayer hot blown films for chub packaging. Bekele teaches addition of pigment such as titanium dioxide in the intermediate layer (14) rather than outer layer (12) for better printability (Col. 3, line 55 to col. 4, line 2). Bekele discloses addition of anti blocking agent in the outer layer (Example 1).

Lind et al disclose a sealing layer (28) made of a mixture of linear low density polyethylene made with constrained geometry catalyst or single site catalyst and EVA for improved adhesion (Col. 3, line 44 to col. 6, line 7 and col. 7, lines 27-46). Lind et al also suggest addition of pigment to make pigmented layer (Col. 11, lines 25-36).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize teaching of Yoshii et al, Bekele and Lind et al in the invention of Schirmer to vary composition of surface layer (i.e. outer layer) for desired sealing strength, add additives such as lubricant and antiblocking agent to the surface

layer to prevent blocking and improve film processing during packaging and add pigment to the intermediate layer for better printability.

4. Rejections of claims under 35 USC § 112, first and second paragraphs stated in the paragraphs 4 and 5 of the Office Action mailed May 30, 2006 (Paper No. 20060525) are overcome by amendment to the claims, applicant's arguments with submitted evidence.


5. Claims 18 and 23 are allowed.

6. Applicant's arguments with respect to claims 1-17, 19-22, 24, 25, 27 and 28 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



D. S. Nakarani
Primary Examiner
Art Unit 1773

DSN
December 30, 2006.